

I. **REMARKS**

The Office Action dated November 27, 2007, has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto.

No amendments to the claims or specification are made by this Response.

Claims 1-5, 7, 10-16, and 18-24 are rejected under 35 U.S.C. 103(a) over Zolotnitsky (U.S. Patent Publication No. 2001/0003124). Applicants traverse the rejection.

Applicants would like to disagree with the Examiner's interpretation of claim 1, and in particular, the Examiner's assertion that the recitation of copolymers of claim 1 is open to any additional monomers, including ethylene (Office Action, page 4, lines 2-4). Applicants respectfully disagree with the Examiner's interpretation, as claim 1 further specifies that "polymer A) is a CTFE copolymer with one or more comonomers selected from:

- perfluoroalkylvinylethers, wherein the alkyl is C<sub>1</sub>-C<sub>3</sub>;
- dioxoles having formula [(1)]...;
- acrylic monomers having general formula [(II)]...
- vinylidene fluoride (VDF) and/or tetrafluoroethylene (TFE)".

Therefore, Applicants submit that according to claim 1, polymer A) is a CTFE copolymer with one or more of the above-mentioned four comonomers.

In contrast to the presently claimed invention, Applicants submit that Zolotnitsky merely discloses thermoplastic fluoropolymers having high time to ignition, a low smoke and heat release when put in contact with a heat source (see paragraph [0001]).

Applicants submit that Zolotnitsky does not teach or suggest the “[f]oamable compositions” of the presently claimed invention, much less foaming properties in general, for example, void % or average void sizes. Applicants note that Example 1 of the present application discloses coatings of wire with 35% of voids, and obtained cells having a size ranging from 10 to 50 micron (specification, page 12, lines 3-5).

Applicants note that Example 6 of Zolotnitsky uses polymer powder A, which is defined in paragraph [0066] as containing ethylene 40% by moles, chlorotrifluoroethylene 55% by moles and n-butylacrylate 5% by moles. As such, Applicants submit that polymer A of the cited Example 6 of Zolotnitsky is not the presently claimed composition for at least the following reasons:

- 55% of CTFE in the polymer A of Example 6 is outside of the “at least 90% by moles of CTFE” limitation of claim 1; and
- 40% of ethylene is excluded by the present composition, as said above.

Applicants submit that one of ordinary skill in the art, seeking to solve the technical problem of foamable polymer compositions having improved insulation properties, does not find in Zolotnitsky any teaching or suggestion as to how to solve the above technical problem. In fact, Applicants submit that Zolotnitsky does not even hint that foamable compositions with improved electrical insulation can be obtained by using CTFE polymers of the presently claimed invention, which contain at least 90% by moles of CTFE, without the use of foaming agents. Applicants submit that one of ordinary skill in the art, without the benefit of hindsight, would not have been motivated to modify the polymer disclosed in Zolotnitsky to arrive at the presently claimed invention. In particular, Applicants submit that Zolotnitsky does not teach or suggest a

CTFE composition which can be foamed by using a nucleating agent but without the use of foaming agents.

Applicants further note that Table 2 of Zolotnitsky shows that the mechanical properties of the cited Example 6 (elastic modulus, stress at yield, elongation at yield, stress at break and elongation at break) are those typical of a non-foamed material. In fact, Applicants submit that the properties of Example 6 are very similar to those of Example 5, which does not contain any Polymist filler.

Applicants submit that Examples 5 and 6 use the same polymer A defined in paragraph [0066], containing ethylene 40% by moles, chlorotrifluoroethylene 55% by moles and n-butylacrylate 5% by moles. Applicants note that Example 6 differs from Example 5 for the addition of 1% of Polymist and 2% of water-borne 3-aminopropyltriethyloxysilane to silanize the other fillers present in the composition before the addition of Polymist. Applicants submit that Table 2 of Zolotnitsky shows that the mechanical properties of the compositions of Examples 5 and 6 are substantially the same. The only difference is in the time of ignition and Peak heat release rate (see Table 1 of Zolotnitsky).

As such, Applicants remark that Example 5 is non-foamed since it does not contain any foaming agent or nucleating agent. Applicants submit that since the mechanical properties of Example 6 are the same as those of the non-foamed Example 5, accordingly, Example 6 is also non-foamed.

Further, Applicants submit that the amount of 1% of Polymist filler added to the polymer composition of the cited Example 6 of Zolotnitsky, which is far different from the

polymer component A) of the present claim 1, is outside the range of 5-30% by weight of nucleating agents indicated in the present claim 1.

Applicants submit that based on the teachings of Zolotnitsky and without the benefit of hindsight, one of ordinary skill in the art would not have arrived at the presently claimed invention.

For at least the above reasons, Applicants submit that Zolotnitsky does not teach or suggest the presently claimed invention, and therefore Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-5, 7, 10-16, and 18-24 under 35 U.S.C. 103(a) over Zolotnitsky.

Claims 1-5, 7, and 10-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zolotnitsky in combination with Abusleme et al. (U.S. Patent No. 6,107,393).

Applicants submit that the presently claimed invention is patentable over Zolotnitsky, as discussed above.

Applicants submit that Abusleme et al. does not cure the deficiencies of Zolotnitsky. For example, Applicants submit that Abusleme et al. is merely directed to thermoprocessable fluorinated polymers comprising ethylene copolymers such as E-CTFE for flexible cables, which do not give foamed articles. Applicants submit that Abusleme et al. does not even mention foamable compositions.

Further, Applicants submit that Abusleme et al. does not teach or suggest how to solve the technical problem of the presently claimed invention, in particular, finding foamable compositions with improved electrical insulation properties. Therefore,

Applicants submit that even if there was motivation to combine the teachings of Zolotnitsky and Abusleme et al., one of ordinary skill in the art would still not arrive at the presently claimed invention.

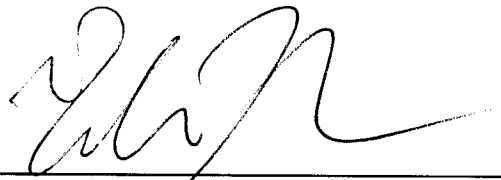
For at least the above reasons, Applicants submit that the presently claimed invention is patentable over Zolotnitsky and Abusleme et al., and Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-5, 7, and 10-24 under 35 U.S.C. 103(a) over Zolotnitsky, in combination with Abusleme et al.

## II. CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this response is not timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension, along with any other additional fees which may be required with respect to this response, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 108910-00129.

Respectfully submitted,



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